



A BILL FOR AN ORDINANCE

RELATING TO PRIVATE TRANSPORTATION COMPANIES AND DRIVERS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to establish additional regulations governing private transportation companies and drivers, including regulations relating to the rates and charges of the companies. Private transportation companies include both taxicab companies and transportation network companies.

SECTION 2. Chapter 12, Article __, Revised Ordinances of Honolulu 1990, as enacted by Section 2 of Ordinance 16-25, is amended by amending the title thereof to read as follows:

"Article __. Private Transportation [~~Services~~] Companies and Drivers"

SECTION 3. Section 12-___.2, Revised Ordinances of Honolulu 1990 ("Director of Customer Services—Authority"), as enacted by Section 2 of Ordinance 16-25, is amended by amending subsection (a) to read as follows:

"(a) The director is authorized to ensure that all private transportation companies comply with the provisions of this article. The director is authorized to suspend or revoke any private transportation driver's certification or private transportation company vehicle certification[.] for noncompliance with the provisions of this article. For violations by a private transportation company, the director is authorized to suspend or revoke all of the certifications of the private transportation drivers of the company. Any company must be afforded an opportunity for a hearing before the director or a hearing officer appointed by the director, pursuant to HRS Chapter 91, if the director determines there has been a violation of this article."

SECTION 4. Section 12-___.7, Revised Ordinances of Honolulu 1990, as enacted by Section 2 of Ordinance 16-25, is repealed:

["Sec. 12-___.7 Receipt

Either the private transportation driver or the private transportation company, as applicable, must, upon request, provide the passenger with a receipt showing the total fare paid."]



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SECTION 5. Chapter 12, Article __, Revised Ordinances of Honolulu 1990, as enacted by Section 2 of Ordinance 16-25, is amended by adding the following three new sections to be appropriately designated by the revisor of ordinances and to read as follows:

**"Sec. 12- .7 Director to establish rate of fare and baggage charge--
Exceptions--Conditions-- Receipt required upon request.**

- (a) The maximum fares and baggage charges that may be charged to passengers of private transportation companies shall be established by the director. The fares and charges shall be established by rules adopted by the director. No private transportation driver or private transportation company shall charge more than the maximum fares and baggage charges established by the director. The fares and charges shall be reviewed by the director at least once every two years following the effective date of this ordinance, and shall be amended, as necessary, to reflect changes in the private transportation component of the consumer price index for Honolulu, as determined by the U.S. Bureau of Labor Statistics; provided, that the director may amend the fares and charges more frequently than once every two years if deemed necessary.
- (b) In addition to the fares and charges established in subsection (a), the director may establish a fuel surcharge for private transportation companies to be charged to passengers. Every six months, the director shall determine whether a fuel surcharge should be established based on any increase in the base amount and the average fuel prices. Any fuel surcharge shall be established by rules adopted by the director pursuant to HRS Chapter 91.
- (c) In addition to the fares and charges established in subsections (a) and (b), a private transportation company or a private transportation driver may pass on to customers the State of Hawaii general excise tax, including any county surcharge thereon, due on the transaction.
- (d) The fares or charges established pursuant to this section shall be subject to the following exceptions or conditions, whichever the case may be:
- (1) When Fares or Charges Permitted. Fares are only applicable to the use of the taxicab or personal vehicle when actually occupied by or standing at the direction of the passenger for hire or when occupied by parcels or baggage transported for hire; provided, that no other charges shall be made for the use of a taxicab for hire or personal vehicle except as provided herein.



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- (2) Posting of Fares and Charges. The schedule of fares and charges established pursuant to this section shall be printed in bold type letters, not less than three-sixteenths of an inch in height, posted in a location in the interior of the vehicle that is readily visible to all passengers for hire. If the State of Hawaii general excise tax will be passed on to customers pursuant to subsection (c), the schedule also must state in the same visible lettering that the general excise tax will be added and the exact percentage that will be added.
- (3) Exceptions and Conditions for Use of Fares and Charges Lower Than Those Established. A taxicab driver or taxicab company may adjust the meters on a taxicab so that lower fares or charges may be assessed than those established pursuant to this section; provided, that if a taxicab driver or taxicab company owns or operates more than one taxicab, all of the taxicabs shall have their taximeters adjusted to the lower fare or charge; and provided further, that such lower fare or charge shall be posted as prescribed in subdivision (2). A private transportation driver or private transportation company may waive the baggage charges established pursuant to this section.
- (4) This section shall not be construed:
- (A) To preclude a taxicab driver or taxicab company from charging a passenger less than the amount due indicated by the taximeter; or
 - (B) To preclude a transportation network company driver or transportation network company from charging a passenger less than the fares and charges established pursuant to this section.
- (5) The fares for shared-ride taxicab service shall be established by the tariff filed under Section 12-1.24, rather than the fares and charges established pursuant to this section.
- (e) Receipt Required upon Request.
- (1) Upon completion of the ride, the private transportation driver shall upon request provide at least one passenger with a legible receipt that specifies the following information: origin, destination, time and date of the service; all fares and charges, including any general excise tax passed on to the passenger; the name of the private transportation driver; the printed name and telephone number of the private transportation company; a telephone



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number, as designated by the director, to call for the filing of complaints; and any other information deemed necessary by the director.

(2) The receipt required by subdivision (1) may be provided by hard copy or by electronic delivery by email or text message.

(3) All taxicab receipt forms shall be approved by the director before use by a taxicab company.

Sec. 12- .8 Taximeters.

(a) Installation. Each taxicab shall be equipped with a digital electronic taximeter calibrated to charge the current fare established pursuant to Section 12- .7 and which shall meet or exceed the requirements of subsection (b).

(b) The specifications, tolerances, and other technical requirements relating to the taximeter shall be as established by the state division of weights and measures. The operation, visibility, lighting and inspection of the meters will conform to all applicable state laws or regulations.

(c) Inspection. No driver, owner or operator of a taxicab or taxi stand shall use or cause to be used a taxicab for purposes of hire before the taximeter, installed therein, has been inspected for accuracy in accordance with all applicable laws and regulations.

(d) Current Rates. No driver, owner or operator of a taxicab or taxi stand shall use or cause to be used for purposes of hire, a taxicab installed with a taximeter not reflecting the current rates.

Sec. 12- .9 Disclosure of rates and charges.

A transportation network company's digital network must disclose the following to any person requesting a ride, prior to the confirmation of the ride:

(1) The total fare or fare range; and

(2) The rates and charges used in calculating the total fare or fare range. Any variables that may result in additional or higher charges, such as the general excise tax, also must be specified."



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SECTION 6. Section 12-__8, Revised Ordinances of Honolulu 1990, as enacted by Section 2 of Ordinance 16-25, is redesignated and amended to read as follows:

"Sec. [12-__8]12-__10 Violation—Penalty.

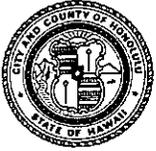
Any person or entity violating any of the provisions of this article shall, upon conviction thereof, be subject to a fine not exceeding \$1,000.00 or imprisonment for a period not exceeding one year, or to both such fine and imprisonment. This penalty may be in lieu of or in addition to any administrative enforcement provided for in this article."

SECTION 7. Section 21-1.8, Revised Ordinances of Honolulu 1990 ("Taximeters"), is repealed:

["Sec. 12-1.8 Taximeters.

- (a) Installation. Each taxicab shall be equipped with a digital electronic taximeter calibrated to charge the current fare established pursuant to Section 12-1.10 and which shall meet or exceed the requirements of subsection (b).
- (b) The specifications, tolerances, and other technical requirements relating thereto shall be as established by the state division of weights and measures. The operation, visibility, lighting and inspection will conform to all applicable state laws or regulations.
- (c) Inspection. No driver, owner or operator of a taxicab or taxi stand shall use or cause to be used a taxicab for purposes of hire before the taximeter, installed therein, has been inspected for accuracy in accordance with all applicable laws and regulations.
- (d) Current Rates. No driver, owner or operator of a taxicab or taxi stand shall use or cause to be used for purposes of hire, a taxicab installed with a taximeter not reflecting the current rates."]

SECTION 8. Section 21-1.10, Revised Ordinances of Honolulu 1990 ("Director to establish rate of fare and baggage charge--Exceptions--Conditions-- Receipt required upon request"), is repealed:



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**[Sec. 12-1.10 Director to establish rate of fare and baggage charge--
Exceptions--Conditions-- Receipt required upon request.**

- (a) The maximum fares and baggage charges that may be charged to passengers of taxicabs shall be established by the director. The fares and charges shall be established by rules adopted by the director. The fares and charges shall be reviewed by the director at least once every two years following January 1, 1992 and shall be amended, as necessary, to reflect changes in the private transportation component of the consumer price index for Honolulu, as determined by the U.S. Bureau of Labor Statistics; provided, that the director may amend the fares and charges more frequently than once every two years if deemed necessary.
- (b) In addition to the fares and charges established in subsection (a), the director may establish a fuel surcharge for taxicab operators to be charged to passengers. Every six months, the director shall determine whether a fuel surcharge should be established based on any increase in the base amount and the average fuel prices. Any fuel surcharge shall be established by rules adopted by the director pursuant to HRS Chapter 91.
- (c) The fares or charges established pursuant to this section shall be subject to the following exceptions or conditions, whichever the case may be:
- (1) **When Fares or Charges Permitted.** Fares are only applicable to the use of the taxicab when actually occupied by or standing at the direction of the passenger for hire or when occupied by parcels or baggage transported for hire; provided, that no other charges shall be made for the use of a taxicab for hire except as provided herein.
 - (2) **Posting of Fares and Charges.** The schedule of fares and charges established pursuant to this section shall be printed in bold type letters, not less than three-sixteenths of an inch in height, posted within 12 inches of the taximeters and readily visible to all passengers for hire.
 - (3) **Exceptions and Conditions for Use of Fares and Charges Lower Than Those Established.** A taxicab driver or taxicab company may adjust the meters on a taxicab so that a lower fare or charge may be assessed than those established pursuant to this section; provided, that if a taxicab driver or taxicab company owns or operates more than one taxicab, all of the taxicabs shall have their taximeters adjusted to the lower fare or charge; and provided further, that such lower fare or charge shall be posted as



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prescribed in paragraph (2). The taxicab driver or taxicab company may waive the baggage charges established pursuant to this section.

- (4) This section shall not be construed to preclude a taxicab driver or taxicab company from charging a passenger less than the amount due indicated by the taximeter.
 - (5) The fares for shared-ride taxicab service shall be established by the tariff filed under Section 12-1.24, rather than the fares and charges established pursuant to this section.
- (d) Receipt Required upon Request.
- (1) At the end of the taxicab trip, the operator shall upon request provide at least one passenger with a receipt that records the following information: origin, destination, time and date of the taxicab service; all fares and charges; the name of the taxicab operator, printed or written so that it is legible; the printed name and telephone number of the taxicab company; a telephone number, as designated by the director, to call for the filing of complaints; and any other information deemed necessary by the director.
 - (2) All taxicab receipt forms shall be approved by the director before use by a taxicab company."]

SECTION 9. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.

SECTION 10. The Director of Customer Services is authorized to adopt rules pursuant to HRS Chapter 91 establishing the maximum fares and baggage charges that may be charged to passengers of private transportation companies, which rates and charges will be effective on July 1, 2017. For purposes of the rules, the Director shall assume that all provisions of this ordinance and Ordinance 16-25, as amended by this ordinance, are in effect.



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SECTION 11. This ordinance takes effect on July 1, 2017; provided that Section 10 of this ordinance takes effect upon its approval.

INTRODUCED BY:

Am Kabayak

DATE OF INTRODUCTION:

SEP 1 2016

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu